

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta

JAN 15 2009

JAMES N. HATTEN, Clerk
By: *[Signature]* Deputy Clerk

Andrew Poplin and Deborah Poplin,
individually and as husband and wife :

vs.

: Civil Action No.

1 09-CV-0117

CSX Transportation Inc.,
Professional Transportation, Inc.,
Brian Haney, and
Kevin R. Lynn

-GET

PLAINTIFFS' INITIAL DISCLOSURES

1.

State precisely the classification of the cause of action being filed, a brief factual outline of the case including plaintiffs' contentions as to what defendants did or failed to do, and a succinct statement of the legal issues in the case.

RESPONSE

Classification:

Tort - vehicle accident and Federal Employers' Liability Act.

Factual Outline:

On February 15, 2007, Plaintiff Andrew Poplin was working for CSX, and was being transported in a van, owned and operated by Professional Transportation, Inc. The van was being driven by Brian Haney, an employee of

Professional Transportation, Inc. Professional Transportation is an agent of CSX.

While on the on-ramp to GA Highway 3, the van in which Plaintiff was driving was struck from behind by Defendant Kevin R. Lynn. As a result of the collision, Plaintiff sustained injuries; incurred medical expenses; has lost wages; and has lost his full capability to earn wages.

Plaintiffs' Contentions:

Defendant CSX failed to provide Plaintiff with a safe place to work (FELA).

Defendant Professional Transportation was negligent, through its agent Brian Haney, in the operation of its van, including but not limited to, violations of the Rules of the Road for the State of Georgia (OCGA §40-6-1 et seq.). Defendant Professional Transportation was also negligent in the hiring and training of its drivers that were used in its business as a common carrier.

Defendant Kevin Lynn was negligent in his operation of the vehicle, including but not limited to, following too closely, disobeying traffic signs, and other violations of the Rules of the Road for the State of Georgia (OCGA §40-6-1 et seq.) .

The negligence of defendants has also caused Mrs. Poplin to lose the services, society, and companionship of her husband, Andrew Poplin.

Legal Issues:

Duties of defendants, breach of said duties by defendants, causation of defendants' breach, and damages occurred by defendants' breach..

2.

Describe in detail all statutes, codes, regulations, legal principles, standards, and customs or usages, and illustrative case law which plaintiff contends are applicable to this action.

RESPONSE

Federal Employers' Liability Act (45 U.S.C. §51 et seq.), Negligence, and Rules of the Road for the State of Georgia (OCGA §40-6-1 et seq.).

3.

Provide the name and, if known, the address and telephone number of each individual likely to have discoverable information that you may use to support your claims or defenses, unless solely for impeachment, identifying the subjects of the information. (Attach witness list to Initial Disclosures as Attachment A.)

RESPONSE

See attached Witness List as Attachment A.

4.

Provide the name of any person who may be used at trial to present evidence under Rules 702, 703, or 705 of the Federal Rules of Evidence. For all experts

described in Fed.R.Civ.P. 26(a)(2)(B), provide a separate written report satisfying the provisions of that rule. (Attach expert witness list and written reports to Responses to Initial Disclosures as Attachment B.)

RESPONSE

Plaintiff has not made determinations as to testifying expert witnesses at this time. This answer will be updated per the Court's Scheduling Order. However, see the medical providers listed in Attachment A for experts that may be used under Rules 702, 703, or 705 of the Federal Rules of Evidence.

5.

Provide a copy of, or a description by category and location of, all documents, data compilations, and tangible things in your possession, custody or control that you may use to support your claims or defenses unless solely for impeachment, identifying the subjects of the information. (Attach document list and descriptions to Initial Disclosures as Attachment C.)

RESPONSE

See Attachment C.

6.

In the space provided below, provide a computation of any category of damages claimed by you. In addition, include a copy of, or describe by category

and location of, the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered, making such documents or evidentiary material available for inspection and copying as under Fed.R.Civ.P. 34. (Attach any copies and descriptions to Initial Disclosures as Attachment D.)

RESPONSE

Past wage loss, including fringe benefits;

Future wage loss of earning capacity including fringe benefits;

Medical Bills (past, present and future); and

Past, present and future pain and suffering and loss of enjoyment of life.

The exact figure of each category is not yet known. An economist may be retained to provide an expert report on damages.

See Attachment D.

7.

Attach for inspection and copying as under Fed.R.Civ.P. 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or to indemnify or reimburse for payments made to satisfy the judgment. (Attach copy

of insurance agreement to Initial Disclosures as Attachment E.)

RESPONSE

Not applicable for plaintiffs.

8.

Disclose the full name, address, and telephone number of all persons or legal entities who have a subrogation interest in the cause of action set forth in plaintiffs cause of action and state the basis and extent of such interest.

RESPONSE

Ingenix
12125 Technology Drive
Eden Prairie, MN 55344

Interest is unknown at this time Ingenix is preparing a report and sending to Plaintiff.

[SIGNATURE ON THE FOLLOWING PAGE]



DEREK J. WHITE
Ga. Bar No. 753291

THE WHITE LAW GROUP

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Pooler, GA 31322
(912)330-9733
(912)330-9755(f)

William G. Jungbauer
Pro Hac Vice (To be applied for)
Yaeger, Jungbauer, & Barczak PLC
745 Kasota Ave
Minneapolis, MN 55414
(612) 333-6371
ATTORNEYS FOR PLAINTIFF

ATTACHMENT A TO INITIAL DISCLOSURES

List of people with knowledge or information concerning facts and details of the February 15, 2007 incident.

Andrew J. Poplin
718 Rocky Springs Rd
Madisonville, TN 37354-6622
(423)519-9898

Plaintiff will have information regarding the facts of the February 15, 2007 incident, his injuries, his past and future wage loss, medical treatment, and the effect of the incident on his life.

Deborah L. Poplin
718 Rocky Springs Rd
Madisonville, TN 37354-6622
(423) 545-9356

Plaintiff will have information regarding Mr. Poplin's medical condition before and after the incident. Plaintiff will also have information on how the incident has affected her life.

Ace American Insurance Company
PO Box 100008
Roswell, GA 30077
(800) 433-0385

May have information regarding the February 15, 2007 incident, damage to the vehicles and medical condition of Plaintiff.

Richard V. Reeves
Southern Trust Insurance Company
PO Box 250
Macon, GA 31202-0250
(800) 476-5566 x. 120

May have information regarding the February 15, 2007 incident, damage to the vehicles and medical condition of Plaintiff.

Georgia Department of Public Safety
J.W. Stephens #667
1300 Joe Frank Harris Pkwy SE
Cartersville, GA 30120-4221
(770) 387-3700

May have information regarding the facts of the incident and injuries to Plaintiff.

Georgia Department of Transportation
2 Capitol Square SW
Atlanta, GA 30334-1000
(4054) 656-5267

May have information regarding the facts of the incident and injuries to Plaintiff.

Brian Nicholas Haney
103 Ingleside Ave
Englewood, TN 37329-3194
Phone number unavailable

May have information on the facts of the incident and medical condition before and after the incident. May have information on the condition of the van he was driving and the training he received from Professional Transportation, Inc. May have knowledge on his driving history and record.

Kevin Randell Lynn
94 Peeples Valley Rd NE
Cartersville, GA 30121-5101
Phone number unavailable

May have information on the facts of the incident and medical condition before and after the incident. May have information on the condition of the van he was driving and the training he received from Professional Transportation, Inc. May have knowledge on his driving history and record.

Chris M. Robison
201A County Rd 334
Niota, TN 37826-2812
Phone number unavailable

May have information regarding the facts of the incident and injuries to Plaintiff and treatment of Plaintiff after the incident.

Dave Harris

Address and phone number unavailable

May have information regarding the facts of the incident, injuries to Plaintiff and missed time from work since the incident.

Larry McKenzie

Address and phone number unavailable

May have information regarding the facts of the incident, injuries to Plaintiff and missed time from work since the incident.

John Belew

Address and phone number unavailable

May have information regarding the facts of the incident, injuries to Plaintiff and missed time from work since the incident.

Angie Averitt

Address and phone number unavailable

May have information regarding the facts of the incident, injuries to Plaintiff and missed time from work since the incident.

Professional Transportation, Inc. [PTI]

3420 E Morgan Ave

Evansville, IN 47715-2234

(812) 471-2440

May have information regarding the facts of the incident, injuries to Plaintiff and missed time from work since the incident.

Keith Moses

PO Box 86

Englewood, TN 37329

May have information regarding the facts of the incident and injuries to Plaintiff and treatment of Plaintiff after the incident.

Mike Ratcliff
898 Busted Rock Road
Old Fort, TN 37362
(423) 338-8099

May have information regarding the facts of the incident and injuries to Plaintiff and treatment of Plaintiff after the incident.

The following medical providers may have information relating to how the incident occurred, Plaintiff's injuries, treatment, diagnosis, and prognosis. They may also have information on the amount and cost of medical treatment and bills:

Christopher Paul Ashley, M.D.
Maryville Orthopaedic Clinic
827 E Lamar Alexander Pkwy
Maryville, TN 37804-5001
(865) 984-0900

Nathan C. Trentham, M.D.
Internal Medicine Associates
301 Grady Rd, Ste A
Etowah, TN 37331-1925
(423) 263-2444

William S. Reid, Jr., M.D.
Neurological Surgery
1932 Alcoa Hwy, Bldg C, Ste 280
Knoxville, TN 37920-1536
(865) 329-4003

Athens Walk In Clinic
Rodney Dunham, MD
2324 Congress Parkway South
Athens, TN 37303
(423) 745-2266

David Snow, P.C.
659 Morganton Square Drive
Maryville, TN 37801
(865) 984-9933

Sharleen Foster
294 Gambell Avenue
Maryville, TN 37801
(865) 681-6360

St. Mary's Pain Management Center
9546 S. Northshore Drive
Knoxville, TN 37922
(865) 670-8737

UT Medical Center
1924 Alcoa Highway
Knoxville, TN 37920
(865) 305-9000

Sue Austin, R.N.
CSX Transportation, Inc.
Nurse Medical Manager
500 Water St, Ste J290
PO Box 40586
Jacksonville, FL 32203-0586
(904) 366-4306

ATTACHMENT C TO INITIAL DISCLOSURES

The following is a list of documents that will be provided upon request:

1. Police Report and Video (in possession of Counsel)
2. Personal Injury Report (in possession of Counsel)
3. Statement of Mike Ratcliff (in possession of Counsel)
4. Statement of Keith Moses (in possession of Counsel)
5. Handwritten notes by Andrew Poplin (in possession of Counsel)
6. Efficiency Testing Report (in possession of Counsel)
7. Tax Returns (in possession of Counsel)
8. Medical Records from the following medical facilities (in possession of Counsel):
 - a. Maryville Orthopaedic Clinic
PO Box 5479
Maryville, TN 37802
 - b. Athens Walk In Clinic
Rodney Dunham, MD
2324 Congress Parkway South
Athens, TN 37303
 - c. Internal Medicine Associates
301 Grady Rd, Ste A
Etowah, TN 37331-1925
 - d. Dr. William Reid
Neurological Surgery
1932 Alcoa Hwy, Bldg C, Ste 280
Knoxville, TN 37920-1536
 - e. David Snow, P.C.
659 Morganton Square Drive
Maryville, TN 37801
 - f. Sharleen Foster
294 Gambell Avenue
Maryville, TN 37801

- g. St. Mary's Pain Management Center
9546 S. Northshore Drive
Knoxville, TN 37922
- h. UT Medical Center
1924 Alcoa Highway
Knoxville, TN 37920

ATTACHMENT D TO INITIAL DISCLOSURES

List of documents which will prove damages in this case:

Tax returns and earning history of Plaintiff.

Earning history and W-2s of the four people above and below Plaintiff on the Seniority Roster

Medical Records referenced in Attachment A